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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/367,569	12/21/1999	WOLFGANG WEIDNER	826	4514

7590 07/14/2004

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EXAMINER

TORRES, MARCOS L

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/367,569  
Filing Date: December 21, 1999  
Appellant(s): WEIDNER ET AL.

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Michael J. Striker  
For Appellant

### **EXAMINER'S ANSWER**

This is in response to the appeal brief filed 05/03/2004.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

No amendment after final has been filed.

**(5) *Summary of Invention***

The summary of invention contained in the brief is deficient because, the summary recites the complete description, the correct summary of the invention is as discussed in page 1, line 14 – page 2, line 30 of the specification.

**(6) Issues**

The statement of the status of the claims contained in the brief is correct.

**(7) Grouping of Claims**

The rejection of claims 9-18 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) Claims Appealed**

A substantially correct copy of appealed claim 9 appears on page 15 of the Appendix to the appellant's brief. The minor errors are as follows: line 1 recite a "radial apparatus" instead of radio apparatus; and line 5 disclose a "function in vocal association" instead of function in local association.

**(9) Prior Art of Record**

5633912	TSOI	5-1997
5956628	OWAKI	9-1999
5969718	MILLS	10-1999
6046730	BOWEN et al.	4-2000

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 9-18 are rejected under 35 U.S.C. 103. This rejection is set forth in a prior Office Action, mailed on January 16, 2003.

**(11) Response to Argument**

Regarding appellant argument that the examiner assert that Tsoi does not disclose a display device displaying information with regard to the activating function in local association with one control element when the function is activated, as described in the advisory action mailed March 19, 2003 Tsoi discloses a display device displaying information (see fig. 5, item 76) with regard to the activating function (see fig. 5, item 78) in local association with one control element when the function is activated (see fig. 5, item 82, 84, 86; fig. 7, item 82; fig. 9). It is clear in fig. 5 that the message 78 it is in local association (the message in the screen it is associated to the key (button, soft key or control element) next to it) with the control elements 82, 84 and 86, the activation of the control element will enable the function displayed (fig. 5, item 78) on the screen. One example of this embodiment is clearly taught in col. 6, lines 59-65, in fig. 7 the user press the soft key (control element) to make a call (function) and in response to that activation in fig. 8 the display 74 and 76 show information regarding the activation of the function.

Regarding appellant argument that Owaki does not teach to display in local association with a control element, a function and after activating the function display information about the function. That limitation is taught by Tsoi, in col. 6, lines 59-65, in

fig. 7 the user press the soft key (control element) to make a call (function) and in response to that activation in fig. 8 the display 74 and 76 show information regarding the activation of the function. Owaki teach displaying enhanced information about functions (see fig. 12 a-d and 13 a-d).

Regarding appellant argument that there is no motivation to combine the Tsoi and Owaki references, both references are directed to displaying and activating function in a mobile communication device, since both references are analogous in the art, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine both references for easy and complete operation of the device.

Regarding appellant argument that a person skilled in the art, having in mind the Owaki patent, would not replace the second function displayed by the patent to Tsoi in the case of the activation of the first function by an information about the first function, but it would add to Tsoi a menu structure as describes by the patent to Owaki. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., second function) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims and the broadest reasonable interpretations are given to the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For the above reasons, it is believed that the rejections should be sustained.


Art Unit: 2683

Respectfully submitted,

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Examiner  
Art Unit 2683

Mlt  
July 12, 2004

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